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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/625,721

07/24/2003

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EXAMINER

DAILEY, THOMAS J

ART UNIT

PAPER NUMBER

2152

MAIL DATE

DELIVERY MODE

05/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/625,721	Applicant(s) CHEVANNE ET AL.	
	Examiner Thomas J. Dailey	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/24/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-30 are pending in this application.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "the single accompanying figure" (page 6, line 2). The single figure is labeled as "Figure unique." The single figure should be labeled as Figure 1 and any references made to it in the written description should refer to it as Figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure:

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The applicant's abstract contains numerical references to the figures and further includes legal phraseology, e.g. "processing means" (line 10).

Claim Objections

5. Claims 1-2, 5-12, 14-16, 19-26, and 30 are objected to because they contain numerical references to the figures: e.g. "(1)" and "(4)", line 1 of claims 1 and 15. Appropriate correction is required

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 28-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The statutory class of the claims are not clearly defined as they claim "Use of the data processing method" (claim 28), "Use as claimed in claim 28" (claim 29), and "Use of the processing device" (claim 30). The claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claims 1-27 recite limitations with insufficient antecedent basis that are as follows:

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- (a) Claim 1, line 6, "the various primary event formats"
- (b) Claims 2-13, line 1, "A device as claimed in claim ..." (Should read "The device as claimed in claim...")
- (c) Claims 16-27, line 1, "A method as claimed in claim..." (Should read "The method as claimed in claim...")
- (d) Claims 3 and 17, line 2, "the proprietary text formats"
- (e) Claims 12 and 26, line 2, "said information **or values** from a management information base"

11. Claims 1 and 15 recite on line 6, "in the form of 'scripts' associated with" (internal quotations around scripts are the applicant's). The quotation marks around scripts render the definition of "scripts" unclear.

12. Claims 4 and 18 recite on line 2, "from a group comprising at least..." The scope of group is rendered indefinite because the group comprises anything and including the languages JavaScript, VisualBasic, TCL, Perl, and Python.

13. Claims 8 and 22 recite on line 2, "by 'hard-coded' values" (internal quotations around scripts are the applicant's). The quotation marks around hard-coded render the definition of "hard coded" unclear.

14. Claims 10 and 24 recite on lines 1-3, "when the alarm state of an item of equipment in the network is unknown, said interpreter is arranged to extract from said equipment chosen information representing said alarm state." Interpreting the alarm state as "unknown" renders the claim scope unclear. The alarm state being in an unknown state could mean that it is undefined and therefore "extract[ing] from said equipment chosen information representing said alarm state" would seem to be unachievable as there is no "information representing said alarm state."

15. Claims 10 and 24 recite on lines 3-4, "and then to simulate the sending of primary data representing said state information." It is unclear how the data processing device can simulate "sending primary data representing said state information." As claim 1 recites, "A data processing device comprising processing means capable of receiving, from equipment in a communications network, primary data," (lines 1-2). The simulation appears to run contrary to what was previously claimed (receiving versus sending).

16. Claim 14 recites, "A network management device, comprising a processing device according to claim 1." It is unclear what the scope of the claim is. The preamble ("A network management device") appears to make the claim an independent claim (claim 1 does not recite a network management device), but the claim also recites, "...according to claim 1."

This makes it unclear as to whether it is an independent or dependent claim.

17. Claims 17-18 recite on line 1, "A device as claimed in claim 16." Claim 16 is a method claim.

18. Claim 28-30 provides for the use of a data processing method (claims 28 and 29) and a processing device (claim 30), but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

19. Claim 29 recites, "a group comprising transmission networks, in particular", "data networks, in particular", and "voice networks, in particular." The phrases "in particular" render the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

20. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

21. Claims 1-9, 13-23, 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Spencer (US Pat. 6,253,243).

22. As to claim 1, Spencer discloses a data processing device comprising processing means capable of:

receiving, from equipment in a communications network, primary data defining events in at least one primary format (column 5, lines 28-35 and column 6, lines 50-52, SNMP traps read on primary data) and

delivering to a management device in said network secondary data defining alarms representing said events, in a secondary format (column 6, lines 50-55), wherein said processing means comprise an interpreter provided with conversion rules, arranged in the form of "scripts" associated with the various primary event formats (column 7, line 66 – column 8, line 28), and

arranged so as to convert, by means of said rules, primary data received in one of said primary formats into secondary data in said secondary format which can be interpreted by said management device (column 6, lines 50-55).

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23. As to claim 15, it is rejected by the same rationale set forth in claim 1's rejection.

24. As to claims 2 and 16, Spencer discloses wherein said interpreter is arranged to make said conversions into a secondary configuration file format by means of an interpreted language (column 5, lines 60-65).

25. As to claims 3 and 17, Spencer discloses wherein said secondary configuration file format is a format chosen from a group comprising XML and the proprietary text formats (column 6, lines 50-58).

26. As to claims 4 and 18, Spencer discloses wherein said interpreted language is chosen from a group comprising at least JavaScript, VisualBasic, TCL, Perl and Python (column 5, lines 60-65).

27. As to claims 5 and 19, Spencer discloses wherein, when there are primary data associated respectively with event identifiers, said interpreter is arranged to store at least some of said rules in correspondence with known event identifiers (column 7, lines 5-31).

28. As to claims 6 and 20, Spencer discloses wherein said interpreter is arranged to store at least one conversion rule defining a default script

intended for the primary data associated with an unknown event identifier
(column 7, line 66-column 8, line 4).

29. As to claims 7 and 21, Spencer discloses wherein said interpreter is
arranged to deduce alarm parameters from certain primary data received,
so as to deliver a parameterized alarm to said management device
(column 7, line 5-31 and column 7, line 66-column 8, line 28).

30. As to claims 8 and 22, Spencer discloses wherein said interpreter is
arranged to deliver to said management device alarms parameterized by
"hard-coded" values (column 9, lines 4-23).

31. As to claims 9 and 23, Spencer discloses wherein said interpreter is
arranged to deliver to said management device alarms parameterized by
values extracted from said primary data (column 9, lines 4-23).

32. As to claims 13 and 27, Spencer discloses wherein said primary data are
received in primary formats of the SNMP type (column 6, lines 50-52).

33. As to claim 14, it is rejected by the same rationale set forth in claim 1's
rejection.

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34. As to claim 28, Spencer discloses use of the data processing method as claimed in claim 15 in network technologies which have to be managed (Abstract).

35. As to claim 29, Spencer discloses use as claimed in claim 28, wherein the network technologies are chosen from a group comprising transmission networks, in particular of the WDM, SONET and SDH type, data networks, in particular of the Internet-IP and ATM, and voice networks, in particular of the conventional, mobile and NGN type (Abstract).

36. As to claim 30, Spencer discloses use of the processing device and management device as claimed in claim 1 in network technologies which have to be managed (Abstract).

Claim Rejections - 35 USC § 103

37. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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38. Claims 10-12 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer as applied to claims 7 and 21 above, and further in view of Stilwell et al (US Pat. 5,907,696), hereafter "Stilwell."

39. As to claims 10 and 24, Spencer discloses the invention substantially with regard to the parent claims 7 and 21, and further discloses when the alarm state of an item of equipment in the network is unknown, said interpreter is arranged to extract from said equipment chosen information representing said alarm state (column 6, lines 12-23).

But, Spencer does not disclose simulating the sending of SNMP traps (primary data), so as to generate an alarm intended to indicate to the management device the alarm state of said equipment.

However, Stilwell discloses simulating the sending of SNMP traps (primary data), so as to generate an alarm intended to indicate to the management device the alarm state of said equipment (Abstract).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Spencer and Stilwell in order to ease the burden of the user by allowing them to test the inter-operability of one computer device with other devices to confirm the one device functions as intended (Stilwell, column 2, lines 37-45).

40. As to claims 11 and 25, Spencer and Stilwell disclose the invention substantially with regard to the parent claims 10 and 24, and further disclose wherein said interpreter is arranged to deliver to said management device alarms parameterized by values extracted from the equipment from which it has received the primary data (Spencer, column 7, line 5-31 and column 7, line 66-column 8, line 28).

41. As to claims 12 and 26, Spencer and Stilwell disclose the invention substantially with regard to the parent claims 10 and 24, and further disclose wherein said interpreter is arranged to extract said information or values from a management information base of the equipment concerned (Spencer, column 4, lines 53-67).

Conclusion

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.

43. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-

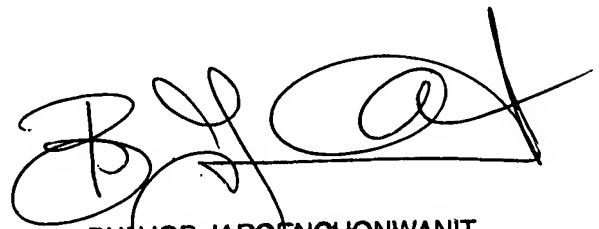
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272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

44. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



TJD
4/17/2007



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